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as Receiver for PROSPERO VENTURES, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

Plaintiff,

v.

HIGH GROWTH MANAGEMENT, LTD.,

Defendant.

NO. C 07-03735 VRW
Related Cases

No. C 07-3732 VRW
No. C 07-3733 VRW
No. C 07-3736 VRW
No. C 07-3737 VRW
No. C 07-3738 VRW
No. C 07-3739 VRW
No. C 07-3740 VRW
No. C 07-3741 VRW

**SUPPLEMENTAL DECLARATION
OF CHRISTINE J. LEVIN IN
SUPPORT OF APPLICATION TO
APPEAR TELEPHONICALLY**

Date: April 3, 2008
Time: 2:30 p.m.
Courtroom 6, 17th Floor

I, CHRISTINE J. LEVIN, do hereby declare and state as follows:

1. I am an attorney at law duly licensed to practice before the United States of America, Northern District of California Court, and am an associate with the law firm of Coleman & Horowitz, LLP, attorneys of record for Plaintiff, U.S. SMALL BUSINESS

ADMINISTRATION, as Receiver for PROSPERO VENTURES, L.P. ("PROSPERO") f/k/a Dotcom Ventures, L.P.

2. I have personal knowledge of the facts contained herein and if called upon as a witness, I could testify competently thereto.

3. This declaration is filed in support of Plaintiff's Application to appear for hearing on Application for Default telephonically.

PROCEDURAL HISTORY

4. On July 19, 2007, the complaint was filed. The answer was due on September 18, 2007. When no answer was filed, default against HIGH GROWTH MANAGEMENT, LTD. (Hereinafter "HIGH GROWTH") was entered on October 18, 2007.

5. On November 28, 2007, this case was transferred to Hon. Maria-Elena James.

6. On December 14, 2007, this case was transferred to Hon. Vaughn R. Walker.

GOOD CAUSE FOR A TELEPHONIC APPEARANCE EXISTS

7. Appearing via telephone conference will not decrease the effectiveness of my arguments in light of the following: first, the testimony has been presented by declaration in lieu of testimony. (See prior declarations of Christine J. Levin and Brian Stern.) Second, because HIGH GROWTH did not answer, all legal matters are admitted. Third, the agent for service of process has been notified by mail of each and has been notified that the matter has been transferred to this Court. To date no appearance has been made by HIGH GROWTH and no request to set aside the default has been made. Thus, the appearance in this matter promises to be straightforward.

8. A personal appearance would increase the cost of attorneys' fees. Eventually, a pro-rata share of the attorneys' fees will be collected from HIGH GROWTH. Thus, attending the hearing in person would increase the amount of the judgment.

9. The sole allegation in the complaint is for breach of contract. Paragraph 5.7 of the contract attached to the complaint: "If any legal proceedings relating to the failure of a Limited Partner to make such contribute are commenced, such Limited Partner *shall pay all costs and expenses* incurred by the Partnership, *including attorneys' fees*, in connection with such

proceedings.” (Emphasis added.)

ATTORNEYS’ FEES

10. Since November 15, 2007, attorneys’ fees have accrued as follows: \$1,019.53.
The total amount of attorneys’ fees as of today’s date is now \$4,497.16.

11. I estimate that travel time to and from San Francisco will take approximately eight hours ($\$235 * 8 = \$1,880$). Given the time of the hearing, an overnight stay will be required which would cost approximately \$225. Meals and travel expenses will cost approximately \$350. HIGH GROWTH’s proportional share (one-third) would be approximately \$818. [$\$1,880 + 225 + 350 = \$2,445 / 3 = \818.33.]

COSTS

12. Since the filing of the application for default on December 12, 2007, Plaintiffs were twice required to send the applications for default to new chambers. HIGH GROWTH was sent copies. The total cost for mailing and copying, as of today’s date, is \$585.25.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 19, 2008, at Fresno, California.

/S/ Christine J. Levin
CHRISTINE J. LEVIN

PROOF OF SERVICE

I declare that I am a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On March 19, 2008, I served the foregoing document described as **SUPPLEMENTAL DECLARATION OF CHRISTINE J. LEVIN IN SUPPORT OF APPLICATION TO APPEAR TELEPHONICALLY** on the interested parties, addressed as follows:

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☒ BY CALIFORNIA OVERNIGHT - by placing ☐ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

☐ BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

☐ BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated below.

Facsimile No.

☐ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on March 19, 2008, at Fresno, California.


Lisa R. Barr

Via U.S. Mail

Jerald P. Shaevitz
24175 Dawnridge Dr.
Los Altos Hills, CA 94024

Agent for Defendants,
High Growth Management, Ltd.

Via California Overnight:

Chambers Copies

Hon. Vaughn R. Walker
U.S. District Court, Northern District
450 Golden Gate Avenue
17th Floor, Courtroom 6
San Francisco, CA 94102